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HOUSE BILL 517

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO CIVIL ACTIONS; REQUIRING DISMISSAL OF CIVIL ACTIONS
BROUGHT FOR PERSONAL INJURY, PROPERTY DAMAGE OR DEATH SUSTAINED
DURING THE COMMISSION OR ATTEMPTED COMMISSION OF A FELONY OR
WHILE FLEEING AFTER THE COMMISSION OR ATTEMPTED COMMISSION OF A
FELONY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. INJURY OR DEATH DURING COMMISSION OF FELONY--
DISMISSAL OF ACTION.--

A. A court shall dismiss with prejudice a civil
action brought by a person or a person's legal or personal
representative for personal injury, property damage or death
sustained while the person was:

(1) engaged in the commission or attempted
commission of a felony and the commission or attempted

underscored material = new
[bracketed material] = delete

1 commission of the felony in any way caused the injury, property
2 damage or death; or

3 (2) fleeing after the commission or attempted
4 commission of a felony and the flight in any way caused the
5 injury, property damage or death.

6 B. For purposes of Subsection A of this section,
7 the commission or attempted commission of a felony shall be
8 proven by:

9 (1) conviction for the felony or the attempt
10 to commit the felony, including a conviction based on a guilty
11 plea or a plea of nolo contendere; or

12 (2) clear and convincing evidence that the
13 conduct of the person constituted all the elements of the
14 felony or the attempt to commit the felony.

15 C. A court may stay a civil action until final
16 disposition of criminal proceedings that may require dismissal
17 pursuant to this section.

18 D. Any applicable statute of limitations shall be
19 tolled during the pendency of criminal proceedings that may
20 require dismissal pursuant to this section.

21 Section 2. EFFECTIVE DATE.--The effective date of the
22 provisions of this act is July 1, 2009.